

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANGELINE HERRERA,	:	
	:	
Plaintiff,	:	
	:	23-CV-677 (VSB)
-against-	:	
	:	<u>ORDER</u>
RICARDO TORRES and MARIO BAUTISTA,	:	
	:	
Defendants.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff Angeline Herrera (“Plaintiff”) filed this action on January 26, 2023, (Doc. 1), and filed an affidavit of service as to Defendant Mario Bautista (“Defendant” or “Bautista”) on October 20, 2023, (Doc. 11).¹ The deadline for Bautista to respond to Plaintiff’s complaint was November 3, 2023. To date, Bautista has not appeared or responded to the complaint.

Plaintiff also filed an affidavit of service as to Defendant Ricardo Torres (“Defendant” or “Torres”) on January 5, 2024, (Doc. 18). The deadline for Torres to respond to Plaintiff’s complaint was January 26, 2024. To date, Torres has not appeared or responded to the complaint.

On January 29, 2024, I issued an order stating, “[I]f Plaintiff intends to seek a default judgment . . . she is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than February 12, 2024.” (Doc. 26.)

Thereafter, Plaintiff was issued certificates of default as to Defendant Torres on February 9, 2024, (Doc. 32), and Defendant Bautista on February 20, 2024, (Doc. 37). However, to date,

¹ The case had been dismissed without prejudice pursuant to Rule 4(m) on May 11, 2023, (Doc. 6), but Plaintiff’s motion for reconsideration was granted on July 20, 2023, (Doc. 9).

Plaintiff has failed to comply with the entirety of the default judgment procedure.

Accordingly, if Plaintiff intends to seek a default judgment against Defendants Bautista and Torres, she is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than May 10, 2024. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: April 26, 2024
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, flowing style. The first name "Vernon" is written with a large, stylized "V" that loops around the first few letters of the last name. The last name "Broderick" is written in a similar cursive style. The signature is positioned above a horizontal line.

VERNON S. BRODERICK
United States District Judge